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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,519	06/11/1999	MICHAEL D. ELLIS	UV-52	9514

7590 07/24/2007  
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NEW YORK, NY 100201104

EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/330,519

Applicant(s)

ELLIS ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-56, 58, 60-81, 83 and 85-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-56, 58, 60-81, 83 and 85-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/11/99 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/17/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 05/17/2007 has been entered.

### ***Response to Amendment***

2. This action is in response to communications filed 05/17/2007. Claims 1-50, 57, 59, 82, 84 and 101-125 are cancelled. Claims 51, 58, 68, 76, 83 and 93 have been previously presented. Claims 52-56, 60-67, 69-75, 77-81, 85-92 and 94-100 are original.

### ***Response to Arguments***

3. Applicant's arguments filed 05/17/2007 have been fully considered but they are not persuasive.

Regarding Claims 51 and 76, the applicant states that Matthews discloses pre-caching of target resources and permits local interactive functionality (Column 10, lines 6-11) (pages 16-17). The applicant argues that Matthews fails to show or suggest 1) monitoring the user's current actions in navigating through the guide to determining a potential upcoming need for a given portion of supplemental data and 2) responding to current actions that indicate the potential upcoming need by supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need (Page 17). The applicant further argues that the predictive viewing tendencies do not show applicant's claimed approach of determining potential upcoming need for supplemental information based on current actions (Pages 17-18). The applicant then argues that data records for EPG are downloaded on a periodic basis or alternatively in response to viewer requests as disclosed by Matthews (Column 9, lines 49-52) (pages 18-19).

In response to the argument, the examiner respectfully disagrees. The broadest reasonable interpretation of the claims as disclosed can be met by Matthews. Matthews discloses local interactive functionality and system pre-caching supplemental information based on predictive viewing tendencies of the viewer (Column 9, lines 56-67, Column 10, lines 1-13). It is clear that Matthews suggests the use of "predictive viewing tendencies" as an approach for predicting which shows the user is likely to watch based on current user interaction with the interactive system. Matthews also discloses that the viewer's usage pattern of the target specification is monitored which would include monitoring viewer's current and past actions (Column 11, lines 45-51).

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Therefore, Matthews discloses monitoring user's navigation through the guide to determining upcoming need for a given portion of supplemental data based on current actions or local interactivity or to supply supplemental information from the remote memory by pre-caching the supplemental data (Column 10, lines 5-13). Matthews discloses that a viewer can request supplemental information as well (Column 9, lines 49-52).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 51, 52, 54-56, 58, 60-62, 65-66, 68, 71, 72, 74-77, 79-81, 83, 85-87, 90-91, 93 and 96, 97, 98-100, are rejected under 35 U.S.C. 102(e) as being unpatentable by Matthews, III et al. (US 6,025,837 and hereafter referred to as "Matthews").

Regarding Claims 51 and 76, Matthews discloses an interactive television program guide system in which an interactive program guide is implemented on a user TV equipment of a plurality of users (Fig. 4, 104; Col. 8, lines 52-67, Column 9, lines 1-

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13) and a method for using an interactive television program guide system in which an interactive television program guide is implemented on user television equipment of a plurality of users, the user television equipment containing local memory configured to store program guide data for use by the interactive television program guide (Column 8, lines 52-67, Column 9, lines 1-13, Figure 4, 96, Figure 5) and the system having remote memory at a location remote from the local memory (Figure 2, Column 8, lines 6-20, Figure 3, 44), the remote memory being configured to store supplemental data for access by the interactive television program guide (Column 8, lines 6-20, Figure 3, 52, 55, 86), comprising:

local memory that is configured to store program guide data for use by the interactive TV program guide (Figure 4, 96, Column 8, lines 52-67, Column 9, lines 1-13, Figure 5);

accessing the program guide data stored in the local memory with the interactive television program guide (EPG) (Column 8, lines 52-67);

remote memory at the remote location that is configured to store supplemental data for access by the interactive TV program guide (Figure 3, 54, Figure 3, 22, Figure 2), wherein the EPG monitors a user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of the supplemental data (Column 10, lines 5-13, Column 11, lines 45-50),

and wherein, responsive to current actions that indicate the potential upcoming need, the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive TV program guide in advance of the upcoming

need (Column 10, lines 5-13); the system automatically supplies the given portion of the supplemental data from the remote memory to the EPG in advance of the upcoming need or uses predictive viewing tendencies suggests an approach for predicting which shows the user is likely to watch based on the user's local interaction and/or navigation through the EPG the system between the user and the user's computing unit (Column 9, lines 52-55, Column 10, lines 5-13).

Regarding Claims 52 and 77, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses a television (TV) distribution facility (Figures 1 and 3, 22) configured to distribute TV programming to the users' equipment (Abstract; Column 5, lines 42-65, Column 7, lines 54-63).

Regarding Claims 54 and 79, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses that the program guide data includes TV program listings (Figures 1 and 3, 46, Column 6, lines 59-64, Column 8, lines 52-65) and the supplemental data includes detailed program descriptions for at least some of the TV program listings (Figure 1, 54, Figure 3, 54, Column 7, lines 13-20, Column 9, lines 56-67, Column 10, lines 1-4), the system further comprising a TV distribution facility in which the remote memory is located (Figures 1 and 3, 22, 54, 52).

Regarding Claims 55 and 80, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses the program guide data stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory as accessing supplemental data stored at the headend requires a request from the user or prediction of user's upcoming need (Column 8, lines 52-65,

Column 9, lines 45-67, Column 10, lines 5-13);

Regarding Claims 56 and 81, Matthews discloses all the limitations of Claims 51 and 76 respectively. See rejections of Claims 54, 55, 79 and 80.

Regarding Claims 58 and 83, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews further discloses the current user's actions involve viewing certain program listings (Column 10, lines 6-65).

Regarding Claims 60 and 85, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses wherein the supplemental data includes an application or application extension (Column 7, lines 15-21, Column 10, lines 14-20, Figure 5, 140).

Regarding Claims 61 and 86, Matthews discloses all the limitations of Claims 60 and 85 respectively. Matthews discloses the application or application extension is a user selectable option (Column 10, lines 14-20; Fig. 5, 140).

Regarding Claims 62 and 87, Matthews discloses all the limitations of Claims 60 and 85 respectively. Matthews discloses wherein the application is launched automatically by the program guide as the application extension is launched from the EPG (Column 10, lines 5-65, Figure 4).

Regarding Claims 65 and 90, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews further discloses wherein the supplemental data includes an Internet address (Column 10, lines 14-20, Figure 2, 58).

Regarding Claims 66 and 91, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews further discloses wherein the supplemental data



includes an Internet address and the IPG displays the Internet address as a link (Column 10, lines 14-20, Figure 2, 58).

Regarding Claims 68 and 93, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews further discloses wherein the supplemental data is requested on-demand by the user's current actions (Column 9, lines 45-55, Column 10, lines 5-67).

Regarding Claims 71 and 96, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses that the supplemental data includes video clips (Column 7, lines 13-20).

Regarding Claims 72 and 97, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses that the supplemental data includes audio clips (Column 3, lines 55-57, Column 7, lines 13-20).

Regarding Claims 74 and 99, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses that the supplemental data includes trivia (Column 7, lines 13-20).

Regarding Claims 75 and 100, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses that the supplemental data includes advertisements (Column 7, lines 13-20).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 53 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable

Matthews in view of Hendricks et al (US 5,600,364 and hereafter referred to as "Hendricks").

Regarding Claims 53 and 78, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses wherein the headend is configured to distribute TV programming to plurality of users (Abstract and Column 5, lines 40-65) and remote memory is located at the headend (Figures 1 and 3, 44, 52, 54, Column 7, lines 9-21, Column 8, lines 5-20). Matthews discloses supplemental data at the remote memory and program guide data redistributed by the TV distribution facility to the local memory. However, Matthews does not explicitly disclose the main facility sending data to the TV distribution facility.

Hendricks discloses a main facility or network operations center sending supplemental data and program guide data to the TV distribution facility or headend (Column 8, lines 3-10, 44-67, Column 9, lines 1-9, 30-32, Column 30, lines 60-67, Column 31, lines 1-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Matthews to include the main facility sending data to the TV distribution facility (Column 8, lines 3-10, 44-67, Column 9, lines 1-9, 30-32) as taught by Hendricks in order for a networks controller to be versatile for satisfying carrying consumer and viewer needs (Column 21, lines 53-67, Column 3, lines 1-9) as disclosed by Hendricks.

8. Claims 63, 64, 67, 69, 70, 88, 89, 92, 94 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews in view of Shoff et al. (US 6,240,555 and hereafter referred to as "Shoff").

Regarding Claims 63 and 88, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews is silent on supplemental data includes real-time information. Shoff further discloses the supplemental data includes real-time information (Column 10, lines 53-58, Column 11, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include the supplemental data includes real-time information (Column 10, lines 53-58, Column 11, lines 59-65) as taught by Shoff in order to provide users with surprising trivia game which quizzes the users as to possible outcomes of various scenes, and specifically, to entice users to participate along with the current program viewing (Column 10, lines 53-55) in which users will experience an enjoyable way to view a TV program (Column 1, lines 26-33) as disclosed by Shoff.

Regarding Claims 64 and 89, Matthews and Shoff disclose all the limitations of Claims 63 and 88 respectively. Shoff discloses the real-time information is overlaid on the TV program by the program guide on an on-going basis (Column 10, lines 44-59, Column 11, lines 59-65).

Regarding Claims 67 and 92, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews is silent on the supplemental data includes real-time information and the EPG displays an information screen in which the real time data is displayed. Shoff further discloses the supplemental data includes real-time information

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and the EPG displays an information screen in which the real time data is displayed (Column 10, lines 53-58, Column 11, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include the supplemental data includes real-time information and the EPG displays an information screen in which the real time data is displayed (Column 10, lines 53-58, Column 11, lines 59-65) as taught by Shoff in order to provide users with surprising trivia game which quizzes the users as to possible outcomes of various scenes, and specifically, to entice users to participate along with the current program viewing (Column 10, lines 53-55) in which users will experience an enjoyable way to view a TV program (Column 1, lines 26-33) as disclosed by Shoff.

Regarding Claims 69 and 94, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews is silent on the supplemental data is displayed automatically by the program guide as soon as it is available. Shoff further discloses the supplemental data is displayed automatically by the program guide as soon as it is available including trivia (Column 10, lines 53-58, Column 11, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include the supplemental data is displayed automatically by the program guide as soon as it is available (Column 10, lines 53-58, Column 11, lines 59-65) as taught by Shoff in order to provide users with surprising trivia game which quizzes the users as to possible outcomes of various scenes, and specifically, to entice users to participate along with the current program viewing (Column 10, lines 53-

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55) in which users will experience an enjoyable way to view a TV program (Column 1, lines 26-33) as disclosed by Shoff.

Regarding Claims 70 and 95, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews is silent on supplemental content including biographies. Shoff further discloses wherein the supplemental data includes biographies (Column 11, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include the supplemental data includes biographies (Column 11, line 30) as taught by Shoff in order to provide an enjoyable way for users to experience a TV program (Column 1, lines 26-33) as disclosed by Shoff.

9. Claims 73 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews.

Regarding Claims 73 and 98, Matthews discloses all the limitations of Claims 51 and 76 respectively. Matthews discloses that the supplemental data includes graphics (Column 7, lines 13-20). Official Notice is taken for bitmap graphics. It is notoriously well known in the art that to use bitmap graphics for display in an EPG to represent the graphics on the computer via collection of pixels as a standard graphics file format.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

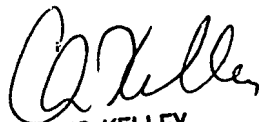
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272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
July 13, 2007

  
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